Before the Federal Communications Commission Washington, DC, 20554

In the matter of Amendment of Part 97 of the Commission's Amateur Radio Service Rules to Reduce Interference and Add Transparency to Digital Data Communications	RM-11831 WT Docket No. 16-239 RM-11708
Amendment of Part 97 of the Commission's Amateur Radio Service Rules to Permit Greater Flexibility in Data Communications	

2019-April-29

Comment of Steve Lampereur

As I expressed earlier in my express comments I feel the proposal that Ron Kolarik has brought forth is an underlying first thing that needs to be addressed before moving on to streamlining rules incorporating modulation designator letters which specify the payload or mode as well as rules related to bandwidth.

In reading the subsequent comments since I initially filed comments on this it has become apparent that the definition of "open source" that Ron used needs to be defined or dropped.

As I mentioned and has been pointed out new modulation schemes are developed by amateur license holders who are also programmers. Any closed protocols pose detrimental to the "continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art."

Open Source in the amateur radio sense doesn't necessarily mean the same thing it does in the in the legal sense used in the GPL (General Public License) that is common in the software community.

Many are concerned that commercial manufacturers would not be able to have intellectual property rights and thusly commercial research and development efforts the hobby would suffer.

As Bruce Perens points out in his recent (April 28 2019) comments, "we need a disclosure and rights, rather than open source." In my opinio, it should never be improper or impossible for individual radio amateurs to understand how over there air protocols work or to decode anything.

Non-commercial/research usage of patented technology has always been covered by exceptions on the definition of patent infringement. Radio amateurs can and should use this exception to facilitate their advances in the technical phases of the art.

Technical white papers should be encouraged, but this does not mean anyone has to give away their rights to competing companies.

Therefore I am in favor of the alternative language that Bruce Perens proposed:

97.309(4) An amateur station transmitting a digital signal with any payload: voice, data, television, etc., may use any technique whose technical characteristics have been documented publicly, to the extent that a programmer competent in the art can implement an inter-operable system which decodes the transmitted messages and allows it to be monitored in its entirety. Sufficient intellectual property rights (copyright, patent, etc.) must be granted to allow use of the technique for Amateur Radio communication, both transmission and reception.

I too support ARRL's proposed limit. 2.8 kHz is an appropriate limit for all digital modulations below 30 MHz, regardless of whether their payload is textual, voice, or otherwise.

I would encourage a different approach to above 30 MHz, where there is sufficient band space and less crowding. Presently above 902 MHz there are no bandwidth or symbol rate limits, I would encourage that to be extended to at least one band lower (420 MHz and above), if not to all the VHF/UHF bands (30 MHz and above).